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## **Lena Citizens Group Files Federal Suit to Force Ethanol Plant to Comply with Air Pollution Laws**

**Alleges that Adkins Energy creates blue haze and odors forcing residents to stay indoors**

Lena, IL. May 9, 2003 ñ After months of waiting for the 37.8-million-gallon-per-year Adkins Energy ethanol manufacturing plant to clean up its emissions, local residents have finally asked a federal judge in Rockford to force the plant to control its pollution. The residents are also asking the federal court to issue a preliminary injunction ordering Adkins to stop polluting until it demonstrates compliance with the federal Clean Air Act.

‘We were all for this plant when they said it would help the farmers and create jobs,’ said Heidi Thorp, a member of Neighbors for Good Neighbors, which filed the suit in federal court in Rockford today. ‘Adkins told the community and the Illinois EPA that they would be only a minor source of air pollution, and that’s how they got their permit to build the plant right next to residential areas.’

Instead, the complaint alleges, the plant is a major source of pollution. As such, Adkins should have obtained federal Clean Air Act major source construction and operating permits, participated in an Illinois EPA public notice and hearing process, and installed pollution controls ñ all before beginning operations.

Adkins sold its first ethanol manufactured at the plant in August

2002.

The citizens' group alleges that emission tests Adkins submitted to Illinois EPA last month show that on an annual basis, the plant would spew out between 260,000 pounds (130 tons) and 476,000 pounds (238 tons) of carbon monoxide per year. The citizens also charge that the test shows the plant would emit particulate matter -- i.e., inhalable airborne particles -- at a rate of approximately 118,000 pounds (59 tons) per year. "Even worse, they didn't bother to test for hazardous air pollutants," said Thorpe. "This is irresponsible because data from other ethanol plants indicates that ethanol manufacturing plants emit tens of thousands of pounds of these hazardous pollutants per year."

A plant is subject to federal hazardous air pollutant regulation if it emits 10 tons (20,000 pounds) per year of any single hazardous air pollutant or 25 tons (50,000 pounds) of any combination of these pollutants. Based on ethanol industry emissions data recently submitted to the federal Agency for Toxic Substances Disease Registry by the Minnesota Department of Health, the citizens charge Adkins' plant is emitting hazardous air pollutants far in excess of these regulated levels: approximately 39 tons (78,000 pounds) of lactic acid per year, 23 tons (46,000 pounds) of acetaldehyde, 15 tons (30,000 pounds) of ethanol, and more than 12 tons (24,000 pounds) each of acetic acid and formaldehyde.

Dennis Drake, the owner of the KOA Kampground whose patrons enjoy local hiking and biking and nearby Le-Aqua-Na State Park, said he expects a huge drop in business this year. "My wife and I have to go indoors and close the windows when the wind blows in our direction," he said. "Even in the house, you can still smell the fumes. After the plant opened in August, long-time customers told us they won't be back unless it stops. We have also had calls from families with children concerned about asthma and other breathing conditions. Clearly our customers expect clean fresh country air."

Another member of the group, Sandy Schwalbe, said they finally decided to file the lawsuit when Adkins responded to a Notice of Violation from Illinois EPA by asking to operate for almost another year without pollution controls.

"Why do they think that they can just keep polluting without following the rules that were put in place to protect the public?" she asked. "Summer is coming, and it's going to be impossible to tolerate life outdoors in our neighborhood if Adkins continues to operate without pollution controls."

The citizens allege that Adkins has tried to evade the pollution control requirements by telling Illinois EPA that the plant is still in start-up phase, even though the U.S. Department of Agriculture's web site says that Adkins accepted a federal government payment of over \$964,000 for ethanol manufactured at the plant in 2002.

The citizens are represented by the Chicago-based law firm of Katten Muchin Zavis Rosenman, which has offices throughout the U.S. "In our opinion, all of the information we have seen shows that the plant is totally out of compliance with the law," said KMZR environmental litigation attorney Laura A. O'Connell, who lives in nearby Rockford. "Also, citizen complaints began piling up in Illinois EPA's files almost as soon as the plant opened." O'Connell also noted that last year the federal EPA forced installation of pollution controls at numerous ethanol plants in Minnesota, and just this month, EPA required Archer Daniels Midland to install pollution controls or cease operations at 52 ethanol plants in 16 states.

KOA Kampground owner Drake noted that the residents who formed the citizens' group to clean up the plant hope that Adkins quickly develops and implements a plan to comply with pollution laws. "We have no objection to the plant as long as it is a good neighbor," he said, "but Adkins' management must be accountable for the problems they are causing in our community."

Below is the informational website of Neighbors for Good Neighbors LLC:  
**<http://geocities.com/nforgn/>**

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